

MISC. CIVIL APPLICATION NO.2054 OF 1994.

Date of decision: 9.1.1996.

For approval and signature

The Honourable Mr. Justice S. M. Soni

and

The Honourable Mr. Justice R. R. Jain

Mr. C.B. Dastoor, advocate for applicants.

Mr. C.H. Shah, advocate for respondent Nos.1 and 2.

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: S.M. Soni & R.R. Jain, JJ.

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January 9, 1996.

Oral judgment (Per Soni, J.)

Heard the learned advocate for the applicants.

This application is filed for necessary action against respondents under the Contempt of Courts Act for non-compliance of the award of the Gujarat Secondary

Education Tribunal dated 1.11.1993 in Application Nos. 463 of 1993 and 469 of 1993. By the said award, order of termination was quashed and the applicants came to be reinstated with full backwages. It is clear from the affidavit in reply, which is not controverted by affidavit in rejoinder, that all the applicants have joined the school where they have been absorbed and are serving there. Thus, what remains of the award to be complied with is the arrears of salary for the period of termination. That being a money claim, in view of our judgment in Misc. Civil Application No.1949 of 1994, the same is executable. Therefore, the application, in our opinion, should not be entertained.

In the result, application is dismissed. Rule discharged. No costs.